

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on April 1, 2008. At the time the Examiner mailed the Office Action, claims 1-23 were pending. By way of the present response applicant has: 1) amended claims 1, 5, and 15-17; 2) added no claims; and 3) canceled claims 4, 19, and 21. As such, claims 1-3, 5-18, 20, and 22-23 are now pending. Reconsideration of this application as amended is respectfully requested. A Request for Continued Examination accompanies this Amendment.

Claim Rejections – 35 U.S.C. § 103

Claims 1-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,035,820 by Goodwin et al. (hereinafter "Goodwin") in view of U.S. Patent Publication No. 2003/0074300 by Norris (hereinafter, "Norris") and further in view of "Critics say government's market stabilization policy short-sighted" in the Korea Herald (hereinafter, "the Herald").

Goodwin discloses a data processing system for buying and selling commercial loans on the secondary whole loan market, allowing sellers to quickly and effectively reach a broad and qualified investor audience and reduce the significant time and cost associated with conducting traditional due diligence. (Goodwin, col. 1, line 17 – col. 2, line 19).

Norris discloses a repurchase agreement lending facility for debt issued by a business (i.e., bonds) in order to allow the business to increase the ease of selling the

debt without movement in price due to the debt going “special” and being “squeezed.” (Norris, paragraphs [0002] – [0007]).

The Herald discloses a South Korean government market stabilization package to provide liquidity to investment trust companies and brokerage houses through lowering interest rates, loaning money from reserves, and repurchase agreements. (The Herald, pages 1-2, paragraph 2).

Applicant respectfully submits that Goodwin does not teach or suggest a combination with Norris and the Herald and that neither Norris nor the Herald teach or suggest a combination with Goodwin. It seems unlikely that a loan on the secondary whole loan market would go “special” resulting in that loan being “squeezed.” Furthermore, a squeeze, as described in Norris, occurs when investors are trying to buy large quantities of a bond. In contrast, the Herald describes a government intervention in response to investors flushing to cash out of large quantities of an investment. Norris discloses market liquidity: keeping a stable price for a security so that the security will be purchased on the market. The Herald discloses financial liquidity for investment trust companies in order for the companies to be able to pay out redemptions made by investors. Norris and the Herald disclose opposing financial situations. It would be impermissible hindsight, based upon applicants’ own disclosure, to combine Goodwin with Norris and the Herald.

Even if Goodwin, Norris, and the Herald were combined, the combination would lack the limitations amended claim 1. The combination fails to disclose: prompting at least one registered investment fund having a net share outflow to offer shares to the liquidity vehicle, wherein the net share outflow comprises ... having an excess number

of shares being redeemed ... in comparison to a number of shares being purchased ... over a given period of time. (Claim 1, emphasis added). None of the references relied upon by the Office Action disclose this claim element. Goodwin discloses notifying potential sellers "when events impact his financial product. In one embodiment, these alerts include: changes in valuation, confirmation of financial product pricing by the Analyzer, queries from Buyers, Bids made (highest Bid information)." (Goodwin, Table 1). Goodwin does not disclose prompting an investment fund to sell in response to an excess number of shares being redeemed over a given period of time. The Herald discloses that banks will help cash-strapped trust companies through repurchase agreements, but provides no disclosure of prompting an investment fund to sell in response to an excess number of shares being redeemed over a given period of time. Norris also fails to disclose this limitation. Therefore, the combination of Goodwin, Norris, and the Herald fails to disclose prompting an investment fund to sell in response to an excess number of shares being redeemed over a given period of time.

Furthermore, the combination of Goodwin, Norris, and the Herald fails to disclose "redeeming at least one of the at least one purchased share from the at least one registered investment fund **following an occurrence of a net inflow of shares of the same at least one registered investment fund.**" (Claim 1, emphasis added). Goodwin does not disclose redeeming a purchased share. Norris discloses repurchase agreements set by a fixed timeline/term (see, e.g., Norris paragraph [0084]), not following a net share inflow. The Herald discloses a repurchase agreement, but does not disclose what prompts redemption/repurchase. Therefore, the combination of Goodwin, Norris, and the Herald fails to disclose redeeming at least one of the at least

one purchased share from the at least one registered investment fund following an occurrence of a net inflow of shares of the same at least one registered investment fund.

Given that claims 2, 3, and 5-14 are dependent claims with respect to claim 1, either directly or indirectly, and add additional limitations, applicant submits that claims 2, 3, and 5-14 are not obvious under 35 U.S.C. § 103(a) in view of Goodwin, Norris, and the Herald.

Claims 15-18, 20, and 22-23 stand rejected based upon the same art and rationale as claims 1-3 and 5-14. Given that claims 15-18, 20, and 22-23 have similar limitations to claims 1-3 and 5-14, which are not disclosed in the combination of Goodwin, Norris, and the Herald, applicant respectfully submits that claims 15-18, 20, and 22-23 are not obvious under 35 U.S.C. § 103(a) in view of Goodwin, Norris, and the Herald for at least the reasons discussed above.

Applicant, accordingly, respectfully submits that the rejection of claims 1-3, 5-18, 20, and 22-23 under 35 U.S.C. § 103(a) as being unpatentable over Goodwin, Norris, and the Herald has been overcome.

CONCLUSION

Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicant reserves all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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